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## COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS



# LEGISLATIVE SESSION REVIEW | 2012

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## ABOUT THE AUTHORS

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He earned his bachelor's degree in International Studies from the University of Washington. He will be attending law school this Fall.

**Commissioner Sofia Aragon**, from Thurston County, immigrated to Seattle, Washington from Manila, Philippines when she was three years old. After growing up in south Seattle, she earned a B.A. in Economics from the University of Washington and a B.S. in Nursing from Seattle University. After practicing both acute care and primary care nursing in the Seattle area, she went on to law school, earning a juris doctorate from Loyola University - Chicago School of Law.



Aragon is the Senior Governmental Affairs Advisor for the Washington State Nurses Association which represents over 16,000 registered nurses and nurse practitioners in the state. Prior to this position, she was the Legislative and Policy Manager for the Community and Family Health Division at the Department of Health.

From human services to taxes, from education to economic development, public policy impacts nearly every aspect of life for Asian Americans and Pacific Islanders in the state of Washington. Over the course of the legislative session, funding levels for human services are determined, changes to and creations of new laws are debated, and budgets are approved.

The Washington State Commission on Asian Pacific American Affairs (CAPAA) is committed to improving the well-being of Asian Pacific Americans by ensuring their access to participation in the fields of government, business, education, and other areas. Part of that mission involves examining, defining, and monitoring policy issues that are of interest to the Asian American and Pacific Islander community and providing legislative and policy updates.

The importance of the community in advocating on issues is significant. Over the course of the legislative session and special session, community members visited the Capitol and met with legislators to voice their concerns on a variety of issues, including preserving health and human services, job creation and education. Many programs and services were preserved for our community as a result of this work.

## 2012 WASHINGTON LEGISLATIVE SESSION OVERVIEW

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The 2012 Legislative Session was dominated by a budget shortfall of \$1 billion. A budget agreement was reached by the Legislature after the adjournment of a double overtime special session.

The supplemental budget passed preserving critical programs, including education and many social safety net programs.

The budget includes a \$238 million accounting maneuver in which the state would temporarily claim control of local sales taxes before they are redistributed back to jurisdictions. The budget also increases taxes, raising \$14.5 million by eliminating a tax deduction for some banks and bringing in approximately \$12 million by changing rules on roll-your-own cigarettes. A \$1 billion capital budget package was passed creating as many as 22,000 new jobs.

The regular session convened on January 9<sup>th</sup> and adjourned on March 8<sup>th</sup>. Governor Chris Gregoire called lawmakers back for a special session on March 12<sup>th</sup> after the end of their regular session.

In the 2012 session, the Commission on Asian Pacific American Affairs tracked a total of 85 bills. The following is a summary of bills in our three priority areas of education, health care/human services, and economic development. Also included are a few bills of interest to the community and bills related to the budget.

- **Education:** Access to quality, affordable, safe and culturally inclusive education.
- **Health Care:** Access to quality, affordable and culturally appropriate health and social services.
- **Economic Development:** Equitable participation in economic, community, and workforce development.

\*Information on bills passed and delivered to the Governor credited to the Senate Committee Services

**Highlights:**

- 2SHB 2156 facilitates coordination and evaluation of **workforce training for aerospace and materials manufacturing**, and creates a student loan program.
- A bill on the **foster care act** passed. HB 2254 establishes the educational success for youth and alumni of foster care.
- Three **higher education** bills passed. SB 6121 provides financial aid counseling curriculum for institutions of higher education, HB 2483 creates the Office of the Student Achievement Council, and HB 2799 authorizes six collaborative schools for innovation and success in partnership with colleges.
- Four bills in regards to **K-12 education** passed. HCR 4410 establishes a joint select committee to address funding, HB 2337 develops a library of openly licensed courseware, SB 6494 improves truancy procedures and SB 6041 designates elementary schools as STEM lighthouse programs.
- Two **early education** bills passed. SB 5715 requires adoption of core competencies for early care and education professionals and HB 2586 implements the Washington kindergarten inventory of developing skills.

Bills tracked by CAPAA that passed and were delivered to the Governor:

**2SHB 2156: REGARDING COORDINATION AND EVALUATION OF WORKFORCE TRAINING FOR AEROSPACE AND MATERIALS MANUFACTURING**

*\*Signed by the Governor*

- Requires the State Board for Community and Technical Colleges, with certain training providers, to facilitate coordination and alignment of aerospace training programs.
- Requires an advisory committee of industry representatives, labor representatives, and training providers to perform certain duties, such as recommending training programs for review.
- Requires the Workforce Training and Education Coordinating Board to evaluate certain training programs very year and analyze the results of the training system every four years.
- Makes available the Aerospace Training Student Loan Program to students enrolled in aerospace industry courses offered by Renton Technical College.

**SHB 2254: ENACTING THE EDUCATIONAL SUCCESS FOR YOUTH AND ALUMNI OF FOSTER CARE ACT**

*\*Signed by the Governor*

- Extends the Passport to College Promise program from June 30, 2013, to June 30, 2022.
- Automatically enrolls foster children in grades 7-12, or ages 18-21 who have not graduated from high school in the College Bound Scholarship program.
- Requires the Department of Social and Health Services to contract with at least one nongovernmental entity to administer a program of education coordination for foster youth, to the extent that funds are appropriated.
- School districts must to work together to facilitate credit acquisition and on-time graduation for foster youth.

- Requires the Superintendent of Public Instruction (SPI) to report on the implementation status of the state's plan for cross-system collaboration to promote educational stability and improve educational outcomes of foster youth in consultation with others by December 1, 2012, and annually through December 1, 2015.
- Transfers reporting requirements with respect to educational experiences and progress of students in foster care from SPI to the Education Research and Data Center.

#### **E2SHB 2337: REGARDING OPEN EDUCATIONAL RESOURCES IN K-12 EDUCATION**

*\*Signed by the Governor*

- The Office of the Superintendent of Public Instruction (OSPI) must take the lead in identifying and developing a library of openly-licensed courseware aligned with the common core state standards. OSPI may consider openly-licensed courseware from for-profit organizations as well as nonprofit organizations, and may consider multiple sources of openly-licensed courseware.
- OSPI must make its best efforts to secure outside funding to support the project, and advertise to school districts that the openly-licensed courseware is available at no cost to them.
- The Open Educational Resources Account is created in the custody of the State Treasurer for all funds collected.

#### **E2SHB 2483: REGARDING HIGHER EDUCATION COORDINATION**

*\*Signed by the Governor/partial veto*

- Creates the Student Achievement Council to propose goals for increasing the educational attainment in Washington and to monitor progress toward meeting those goals, propose improvements and innovations needed for educational attainment, and to advocate for higher education.
- Creates a nine-member council, made up of five citizens, one of which is a student, and one representative each from the following: the four-year institutions; community and technical college system; the independent, non-profit institutions; and the K-12 education system.
- Requires the Council to employ an executive director, to be appointed by the Governor from a list of three names submitted by the Council.
- Moves the Office of Student Financial Assistance under the direction of the Council.
- Creates a Joint Higher Education Committee to review the work of the Council and provide legislative feedback; to create greater communication, coordination, and alignment between the higher education system and expectations of the Legislature; and provide recommendations for higher education policy. The Committee is made up of four senators and four representatives.

#### **ESHB 2586: PHASING-IN STATEWIDE IMPLEMENTATION OF THE WASHINGTON KINDERGARTEN INVENTORY OF DEVELOPING SKILLS**

*\*Signed by the Governor*

- Administration of the Washington kindergarten inventory of developing skills (WaKIDS) replaces administration of other assessments being required by school districts except for assessments that seek to obtain information not covered by the WaKIDS.
- Establishes a workgroup, to be convened by the Office of Superintendent of Public Instruction (OSPI) and the Department of Early Learning (DEL), to provide, among other things, annual recommendations to the Legislature with respect to implementation of WaKIDS.
- Until full, statewide implementation of all-day kindergarten programs, OSPI, in consultation with the director of DEL, may grant annual renewable waivers to school districts so they may administer a kindergarten assessment other than WaKIDS if the assessment meets certain criteria.

**ESHB 2799: AUTHORIZING A FIVE-YEAR PILOT PROJECT FOR UP TO SIX COLLABORATIVE SCHOOLS FOR INNOVATION AND SUCCESS OPERATED BY SCHOOL DISTRICTS IN PARTNERSHIP WITH COLLEGES OF EDUCATION**

*\*Signed by the Governor*

- Establishes a five-year Collaborative Schools for Innovation and Success (CSIS) Pilot Project where colleges of education and school districts select a low-performing elementary school and implement models of instruction and educator preparation.
- Provides a process for an "application of intent"; selection of up to six CSIS Pilot Projects, (specifically including the two largest school districts in eastern and western Washington that submit applications); and development of a comprehensive Innovation and Success Plan for each school.
- Subject to appropriated funds, planning and implementation grants will be allocated for three of the CSIS Pilot Projects. Three other projects are authorized to participate without state funding.

**HCR 4410: ESTABLISHING A JOINT SELECT COMMITTEE TO ADDRESS SCHOOL FUNDING**

- Makes legislative findings regarding the paramount duty of the State to make ample provision for the education of all children under Article IX of the State Constitution.
- Declares that judicial oversight of the Legislature's implementation of education reforms is not necessary but is understandable because of the unique circumstances presented by the constitutional duty.
- Creates a legislative Joint Select Committee on Article IX litigation comprised of eight legislators, two from each caucus in the House and Senate, and staffed by SCS and OPR to (1) facilitate communication between the Court and the Legislature on the McCleary case, school funding legislation, and other actions of the Legislature related to the Article IX duty; and (2) advise and direct the attorneys who represent the Legislature before the Court in the McCleary case.

**ESSB 5715: REQUIRING ADOPTION OF CORE COMPETENCIES FOR EARLY CARE AND EDUCATION PROFESSIONALS AND CHILD AND YOUTH DEVELOPMENT PROFESSIONALS**

*\*Signed by the Governor*

- By December 31, 2012, the Department of Early Learning (DEL) must adopt core competencies for early care and education professionals and child and youth development professionals and they must develop an implementation plan.
- DEL must incorporate the core competencies into all appropriate professional development opportunities including, but not limited to, Quality Rating and Improvement System, Early Childhood Education and Assistance Program, child care licensing, and Early Support for Infants and Toddlers.
- The purpose of the core competencies is to serve as a foundation for what early care and education professionals and child and youth development professionals need to know and do to provide quality care for children. The core competencies must be reviewed and updated every five years.

**SSB 6041: REGARDING LIGHTHOUSE SCHOOL PROGRAMS**

*\*Signed by the Governor*

- Requires the Office of the Superintendent of Public Instruction to designate elementary schools to serve as Science, Technology, Engineering, and Mathematics (STEM) lighthouse schools.
- Creates an account to support the lighthouse schools to serve as resources to others that want to create STEM schools. The account may include private sector gifts; and state and federal funds.

**SSB 6121: REQUIRING THE OFFICE OF STUDENT FINANCIAL ASSISTANCE TO PROVIDE A FINANCIAL AID COUNSELING CURRICULUM FOR INSTITUTIONS OF HIGHER EDUCATION**

*\*Signed by the Governor*

- Requires the Office of Student Financial Assistance to provide an online financial aid counseling curriculum to all higher education institutions participating in the State Need Grant (SNG) program by July 1, 2013.
- Requires the curriculum to include specific elements, such as an explanation of SNG program rules, an overview of student loan options and consequences, an overview of financial literacy, and student perspectives.
- Requires higher education institutions to take reasonable steps to ensure that each SNG recipient receives the financial aid counseling curriculum by referencing or linking to a website on the SNG Conditions of Award statement by the 2013-14 academic year.
- Allows institutions to also require non-SNG students to participate in the counseling.

**SSB 6494: IMPROVING TRUANCY PROCEDURES**

*\*Signed by the Governor*

- The maximum age of a child at which a school district is legally required to file a truancy petition under appropriate circumstances is lowered from 17 to 16 years of age.
- A court may not issue a bench warrant for a child for failure to appear at an initial truancy hearing, but may enter a default order assuming jurisdiction over the child.
- The truancy petition must include information describing the child's current academic status in school, and the school district must periodically update the court about the child's academic status.

**Bills tracked by CAPAA that did not pass:**

- Three bills on aerospace workforce training and innovations in higher education
- Two bills on the state need grant and the enacting of the Career Pathways Act
- Two bills in regards to narrowing the educational opportunity gap
- One bill on k-12 education expenditures
- Two bills on kindergarten inventory of developing skills and developing state early learning guidelines
- Two bills regarding school district requirements and financial insolvency
- One bill in regards to certificated employee evaluations



## IN THE AREA OF HEALTH AND HUMAN SERVICES, WE TRACKED 15 BILLS

### Highlights:

- Four bills on **health care** passed. HB 2319, implements the affordable care act, HB 2571 reduces waste, fraud and abuse in medical services programs, SB 5966 establishes the Office of the Health Care Authority Ombudsman and SB 6412 assists persons seeking individual health benefit plan coverage.
- Two bills on **adult assistance** passed. HB 2048 concerns low-income and homeless housing assistance surcharges. SB 6403 removes financial barriers to persons seeking vulnerable adult protection orders.
- Two **child care** bills passed. HB 2536 addresses the use of evidence-based practices for the delivery of services to children and juveniles. SB 6226 changes authorization periods for subsidized child care.
- SB 6508 authorizes waivers from certain **DSHS overpayment recovery efforts**.

### Bills tracked by CAPAA that passed and were delivered to the Governor:

#### **ESHB 2048: CONCERNING LOW-INCOME AND HOMELESS HOUSING ASSISTANCE SURCHARGES**

*\*Signed by the Governor*

- The local homeless housing and assistance surcharge is temporarily increased from \$30 to \$40.
- The Department of Commerce must work with interested landlords regarding housing available for housing vouchers, work with stakeholders to identify issues with the surcharge fees; and provide an annual report to the Legislature.
- Local governments receiving \$3.5 million or more in surcharge fee assistance annually must apply to the Washington State Quality Award Program (a Baldrige assessment) for an independent assessment of its quality management, accountability and performance system.

#### **E2SHB 2319: IMPLEMENTING THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT**

*\*Signed by the Governor/partial veto*

- Removes restrictions on the authority of, and adds new duties for, the Washington Health Benefit Exchange (Exchange), and authorizes Exchange employees to participate in state health benefit and retirement programs.
- Establishes new market rules for plans sold inside and outside of the Exchange.
- Creates a process for certifying qualified health plans authorized to offer coverage in the Exchange.
- Establishes a rating system for qualified health plans.
- Establishes a process for designating the essential health benefits that must be offered both inside and outside of the Exchange.
- Creates a process for identifying state-mandated benefits that would result in federally imposed costs to the state if enforced.
- Requires the Health Care Authority to report to the Legislature on the federal Basic Health Option, and requires the HCA to initiate design and development for the program if funding is

specifically provided in the state operating budget. Program operational parameters are provided if the Legislature determines to proceed with implementation of the program.

- Establishes federal reinsurance and risk adjustment programs and allows the Washington State Health
- Insurance Pool (WSHIP) to administer the programs by contract.
- Requires the WSHIP to make findings regarding continued operation after January 1, 2014.
- Requires the state to apply for a wellness program demonstration project.

**E2SHB 2536: CONCERNING THE USE OF EVIDENCE-BASED PRACTICES FOR THE DELIVERY OF SERVICES TO CHILDREN AND JUVENILES**

*\*Signed by the Governor*

- Requires the Department of Social and Health Services (DSHS) by June 30, 2012, in consultation with other entities, to publish descriptive definitions for and to prepare an inventory of evidence-based, research-based, and promising practices in the areas of child welfare, juvenile rehabilitation, and children's mental health.
- Requires DSHS and the Health Care Authority (HCA), by June 30, 2013, to complete a baseline assessment on the use of evidence-based and research-based practices in the areas of child welfare, juvenile rehabilitation, and children's mental health.
- Requires DSHS to develop strategies to use unified and coordinated case plans for clients who are or who will likely be involved in multiple systems with DSHS.
- Requires DSHS and HCA, by December 30, 2013, to report regarding recommended strategies, timelines, and costs for increasing the use of evidence-based and research-based practices for the next two biennia and to provide updated reports in 2014 and 2015.

**ESHB 2571: CONCERNING WASTE, FRAUD, AND ABUSE DETECTION, PREVENTION, AND RECOVERY SOLUTIONS TO IMPROVE PROGRAM INTEGRITY FOR MEDICAL SERVICES PROGRAMS**

*\*Signed by the Governor*

- Directs the Health Care Authority (HCA) by September 1 to issue a request for information about additional tools and methods that might be deployed to improve the prevention, detection, and recovery of inappropriate billings to state medical assistance programs.
- Encourages HCA to issue a formal request for proposals to purchase additional fraud prevention and detection services if based on the information received it concludes that such services (1) will result in net savings for the state; (2) can be integrated with existing bill review and payment processes without increasing the cost of those current activities; and (3) will not result in delay or denial of payment for legitimate billings.

**SHB 2640: EMPHASIZING COST-EFFECTIVENESS IN THE HOUSING TRUST FUND**

*\*Signed by the Governor*

- For Housing Trust Fund applications reviewed by the Department of Commerce through June 30, 2013, Commerce must consider total project cost and per-unit cost compared to similar housing projects constructed or renovated within the same geographic area.
- Commerce, with input from the Affordable Housing Advisory Board, must report to the Legislature by December 1, 2012, with recommendations for awarding funds from the Housing Trust Fund in a cost-effective manner.

**SSB 5966: ESTABLISHING THE OFFICE OF THE HEALTH CARE AUTHORITY OMBUDSMAN**

*\*Signed by the Governor*

- A new volunteer position with the Office of Insurance Commissioner must assist retirees enrolled in the Public Employees' Benefits Board (PEBB) program with questions and concerns, assist the PEBB program with identification of retiree concerns, and maintain access to updated program information.

#### **SSB 6226: CONCERNING AUTHORIZATION PERIODS FOR SUBSIDIZED CHILD CARE**

*\*Signed by the Governor*

- Eligibility must be re-authorized every 12 months for all recipients of subsidized child care services regardless of whether the child is also enrolled in Early Childhood Education and Assistance Program, Head Start, or early Head Start.
- The 12-month certification applies only if enrollments in Working Connections Child Care or child subsidies are capped.
- An applicant or recipient of WCCC must provide the Department of Social and Health Services the following information, if appropriate: (1) notification to DSHS within five days if the provider changes; and (2) notification to DSHS within ten days about any significant change related to the number of child care hours the applicant or recipient needs, cost sharing, or eligibility.

#### **SSB 6403: REMOVING FINANCIAL BARRIERS TO PERSONS SEEKING VULNERABLE ADULT PROTECTION ORDERS**

*\*Signed by the Governor*

- A public agency may not charge a filing fee or a fee for service of process to a vulnerable adult seeking relief from abandonment, abuse, financial exploitation, or neglect.
- Vulnerable adults must be provided the necessary number of certified copies at no cost.

#### **SB 6412: ASSISTING PERSONS SEEKING INDIVIDUAL HEALTH BENEFIT PLAN COVERAGE WHEN THEIR PRIOR CARRIER HAS TERMINATED INDIVIDUAL COVERAGE**

*\*Signed by the Governor*

- Provides additional exceptions for those that must complete the standard health questionnaire when purchasing insurance coverage for those individuals whose health carrier is discontinuing individual and catastrophic coverage by July 1, 2012.
- Requires insurance carriers to credit prior time in catastrophic coverage toward the preexisting condition waiting period in new catastrophic coverage.

#### **SSB 6508: AUTHORIZING WAIVERS FROM CERTAIN DSHS OVERPAYMENT RECOVERY EFFORTS**

*\*Signed by the Governor/partial veto*

- Permits the Department of Social and Health Services to waive collection of overpayments to recipients of public assistance benefits if it determines that the elements of equitable estoppel are met.

#### Bills tracked by CAPAA that did not pass:

- Two bills in regards to establishing a health benefit exchange
- Two bills on implementing the Affordable Care Act
- One bill concerning determination of public assistance in income and resources

## IN THE AREA OF ECONOMIC DEVELOPMENT, WE TRACKED 13 BILLS

### Highlights:

- Two bills passed on **housing assistance**. EHB 1398 creates an exemption from impact fees for low-income housing and HB 2614 limits deficiency judgment to residual debts.
- HB 2523 **regulates insurers and insurance products**.
- Two bills on **innovation** passed. SB 5982 creates the joint center for aerospace innovation and HB 2482 designs innovation partnership zones.
- SB 6140 permits certain **local governments to act as a financial conduit**.
- HB 2454 centralizes the process of **state procurement of goods and services**.
- Two bills on **learning programs** passed. ESB 6141 creates a lifelong learning program and SB 6289 facilitates self-employment training.

### Bills tracked by CAPAA that passed and were delivered to the Governor:

#### **EHB 1398: CREATING AN EXEMPTION FROM IMPACT FEES FOR LOW-INCOME HOUSING**

*\*Signed by the Governor*

- Local governments may grant exemptions for the payment of impact fees for low-income housing by (1) permitting a full waiver with full replacement of funds from other public funds; or (2) waiving up to 80 percent of impact fees, with exempted portion paid from impact fee accounts.
- A school district who receives school impact fees must approve the exemption.

#### **2SHB 2452: CENTRALIZING THE AUTHORITY AND RESPONSIBILITY FOR THE DEVELOPMENT, PROCESS, AND OVERSIGHT OF STATE PROCUREMENT OF GOODS AND SERVICES**

*\*Signed by the Governor*

- Charges the Department of Enterprise Services (DES) with oversight of state procurement of goods and services.
- Requires DES to adopt uniform policies and procedures and provide training on best practices for state procurement.
- Requires agencies to submit sole source contracts to DES and make the contracts available for public inspection not less than ten days before the proposed starting date of the contract.
- Requires agencies with procurement authority to develop clear and transparent complaint and protest processes.
- Establishes a process under which the Director of DES may debar a contractor in certain circumstances.
- Requires agencies to provide DES with a list of all contracts that the agency has entered into or renewed on an annual basis.

#### **HB 2482: DESIGNATING INNOVATION PARTNERSHIP ZONES**

*\*Signed by the Governor*

- Innovation Partnership Zones (IPZs), in which research institutions, workforce training organizations, and globally competitive companies work cooperatively to create commercially viable products and jobs, must have an industry cluster within their boundaries.

- Provides information and options to applicants that do not meet all the criteria for IPZ designation.

#### **HB 2523: REGULATING INSURERS AND INSURANCE PRODUCTS**

*\*Signed by the Governor*

- Provisions in the insurance code are further modified to come into conformity with the Federal Affordable Care Act.
- Preexisting condition exclusions for health insurance and portability are modified. Persons under the age of 19 are exempt from taking the standard health questionnaire if they are in the individual market because their employer has discontinued coverage.
- Internal and external review procedures for health insurance are amended. Each carrier and health plan must have a comprehensive grievance and appeals process to review adverse benefit determinations.
- The requirement that individual plans offer the option of covering a dependent child under the age of 26 is changed by removing dependent and limiting the broad requirement to plans that are not grandfathered plans as defined by existing law. Grandfathered plans must offer the option of coverage until age 26 unless the child is eligible to enroll in an eligible health plan sponsored by the child's employer or the child's spouse's employer.

#### **ESHB 2614: ASSISTING HOMEOWNERS IN CRISIS BY PROVIDING ALTERNATIVES, REMEDIES, AND ASSISTANCE**

*\*Signed by the Governor*

- If a beneficiary agrees to a short sale of owner-occupied residential property, it must provide written notice to the seller, stating whether or not it will pursue the deficiency, the amount of the outstanding debt, the fact that the beneficiary may collect upon the debt for three years after releasing its interest, and that the seller has the ability to negotiate for a full release of the debt.
- If a court action is not pursued within three years of releasing its security interest, the beneficiary forfeits the right to collect upon the debt.
- Real estate licensees are to notify sellers that a decision by any beneficiary to release its interest in the real property does not automatically relieve the seller of the obligation to pay any debt remaining at closing, including fees such as the real estate licensee's commission.
- Amends the Foreclosure Fairness Act (FFA), ESHB 1362, which passed the Legislature in 2011.
- A borrower may no longer be referred to mediation during the meet and confer period. A housing counselor or attorney assisting the borrower may refer the borrower to mediation any time after the borrower has received a notice of default but no later than 20 days after the notice of sale has been recorded. The mediation timeline is clarified. Immunity for foreclosure mediators is extended to all foreclosure mediators.
- Of the expenditures, 76 percent is for housing counseling activities to benefit the borrowers, and up to 13 percent or \$590,000 per biennium, whichever is greater, is for the implementation and operation of the FFA.
- A notice is provided to owners when the notice of trustee's sale is recorded that they have only 20 days to pursue mediation through a housing counselor or attorney.
- A domestic limited liability corporation incorporated under specific statutes may be a trustee under the Deeds of Trust Act.
- Up to 11 days following the trustee's sale, the trustee, beneficiary, or authorized agent for the beneficiary may declare the trustee's sale and trustee's deed void for a number of reasons, including prior to the sale there was an agreement for a loan modification, forbearance plan, or other loss mitigation agreement to postpone or discontinue the trustee's sale.

- The trustee must refund the bid amount to the purchaser.

## **SSB 5982: CREATING THE JOINT CENTER FOR AEROSPACE TECHNOLOGY INNOVATION**

*\*Signed by the Governor*

- Creates the Joint Center for Aerospace Technology Innovation to pursue joint industry-university research under the joint authority of the University of Washington and Washington State University. The Center is to be governed by a board of directors comprised of representatives from the aerospace industry and higher education.
- Directs the board to identify research areas to benefit the aerospace industry; assist firms in integrating existing technologies into their operations; ensure that students enrolled in aerospace engineering have direct experience with aerospace firms; assist researchers and firms in guarding intellectual property; and promote collaboration between industry and faculty.
- Requires the Center to develop an operating plan by June 30, 2013, and submit a biennial report to the Governor and Legislature.

## **2SSB 6140: CONCERNING LOCAL ECONOMIC DEVELOPMENT FINANCING**

*\*Signed by the Governor*

- Municipalities with public corporations issuing industrial revenue bonds prior to 2012 may create economic development finance authorities to provide nonrecourse revenue bond financing, on a taxable or nontaxable basis, for a variety of economic development activities.
- Economic development finance authorities may participate in federal and other governmental economic development finance programs and conduct programs to stimulate and encourage the development of new products.
- The finances of an authority are subject to examination by the creating municipality and the State Auditor's Office. Authorities may receive no appropriation of state funds and municipalities may not provide monies or property in aid of an authority.

## **ESB 6141: CREATING A LIFELONG LEARNING PROGRAM**

*\*Signed by the Governor*

- Establishes a lifelong learning program for employees, with the support of their employers, to create educational savings accounts.
- Under the program, the Workforce Training and Education Coordinating Board may partner with financial institutions and nonprofits to develop operating procedures, ensure adequate marketing, and coordinate career counseling services.
- The Board may work with financial institutions to encourage their full engagement in activities, such as management of accounts and the provision of financial literacy training.

## **SB 6289: FACILITATING SELF-EMPLOYMENT TRAINING**

*\*Signed by the Governor*

- Repeals the July 1, 2012, expiration of the self-employment assistance program.
- Individuals eligible for unemployment insurance benefits must be informed of the availability of self-employment assistance programs, entrepreneurial training programs, and the Commissioner of the Department of Employment Security approved training. Individuals eligible for federal Workforce Investment Act services must have the opportunity to enroll in self-employment assistance or entrepreneurial training programs on the same basis as they are provided the opportunity to enroll in other training programs.

- The Department of Employment Security is directed to work with local workforce development councils to facilitate entrepreneurial training and the councils must develop a plan for providing such training.

Bills tracked by CAPAA that did not pass:

- A bill concerning Washington businesses
- A bill regulating service contracts
- A bill concerning prevailing wages on public works
- A bill expanding a competitive grant program for arts and cultural facilities

## IN THE AREA OF THE JUSTICE, WE TRACKED 9 BILLS

### Highlights:

- Three bills in regards to **juvenile justice** passed. HB 2535 creates a juvenile gang court, EHB 1775 provides juvenile restorative justice programs and SB 6240 modifies provisions relating to orders of disposition for juveniles.
- Two bills passed in regards to **public safety**. SB 6184 reforms certain civil traffic infractions and HB 2443 increases accountability of persons who drive impaired.
- Two bills passed on **sexually related crimes**. ESB 6255 concerns victims of human trafficking and prostitution and SB 6256 adds commercial sexual abuse of a minor to the list of criminal street gang-related offenses.

### Bills tracked by CAPAA that passed and were delivered to the Governor:

#### **SHB 1775: ENCOURAGING JUVENILE RESTORATIVE JUSTICE PROGRAMS**

*\*Signed by the Governor*

- As part of a diversion or a counsel and release, a diversion counselor may refer the juvenile to a restorative justice program.
- A restorative justice program is a voluntary program designed to encourage offenders to accept responsibility for repairing the harm caused by their offense by providing safe and supportive opportunities for communication between the victim, the offender, their families, and relevant community members.

#### **2SHB 2443: INCREASING ACCOUNTABILITY OF PERSONS WHO DRIVE IMPAIRED**

*\*Signed by the Governor*

- Superior courts have jurisdiction for up to five years over a defendant convicted of DUI whose sentence has been suspended.
- A person required to have an ignition interlock device installed after the person's driver license is reinstated, must pay an additional fee of \$20 per month which is deposited into the Ignition Interlock Device Revolving Account.
- A record of conviction for felony DUI may not be vacated.
- When a person is arrested for felony DUI, a breath or blood test may be administered without the person's consent.
- The Washington State Patrol (WSP) adopts fees for ignition interlock manufacturers, technicians, providers, and persons required to install the devices. Fees are used to fund WSP impaired driving section projects.

#### **HB 2535: CREATING A JUVENILE GANG COURT**

*\*Signed by the Governor*

- Authorizes counties to establish and operate juvenile gang courts, where juvenile offenders involved in criminal gangs may receive services designed to reduce gang-related offenses while under continuous court supervision.
- Provides minimum requirements for admission to a juvenile gang court, allowing individual counties to set more stringent standards.



- Requires the counties operating juvenile gang courts to track data regarding the participants, and requires the Administrative Office of the Courts to study the data and report to the Legislature regarding recidivism outcomes.

**SSB 6240: MODIFYING PROVISIONS RELATING TO ORDERS OF DISPOSITION FOR JUVENILES**

*\*Signed by the Governor*

- The court may dismiss an underlying conviction if a juvenile has completed all the terms of a deferred disposition except the payment of restitution.
- If the court dismisses a conviction under a deferred disposition and restitution is still owing, the court must enter a continuing civil judgment for the restitution along with terms of payment.
- A juvenile must pay restitution in full before the court may seal the records of a deferred disposition that has been vacated.
- At the request of the Statutory Law Committee, the juvenile sentencing grid is rearranged and revised to improve readability and reflect the Legislature's prior elimination of two seriousness levels for the offense of malicious mischief in the third degree.

**SB 6255: CONCERNING VICTIMS OF HUMAN TRAFFICKING AND PROMOTING PROSTITUTION**

*\*Signed by the Governor*

- It is an affirmative defense to prostitution that the actor committed the offense as a result of having been a victim of trafficking, promoting prostitution in the first degree, or trafficking in persons under the Trafficking Victims Protection Act.
- Every person convicted of prostitution, who committed the offense as a result of being a victim of trafficking, promoting prostitution in the first degree, or trafficking in persons under the Trafficking Victims Protection Act may apply to the sentencing court for vacation of the applicant's record of conviction.
- Being named as a current victim in an information or investigative record creates a presumption that the person's participation in prostitution was a result of having been a victim of trafficking, promoting prostitution in the first degree, or trafficking in persons.

**SB 6256: ADDING COMMERCIAL SEXUAL ABUSE OF A MINOR TO THE LIST OF CRIMINAL STREET GANG-RELATED OFFENSES**

*\*Signed by the Governor*

- Promoting commercial sexual abuse of a minor is added to the list of gang-related offenses that are committed to provide the gang with any advantage in or control or dominance over a market sector.

**E2SSB 6284: AUTHORIZES A CIVIL COLLECTION PROCESS FOR UNPAID TRAFFIC FINES**

*\*Signed by the Governor*

- Authorizes a civil collection process for unpaid traffic fines.
- Removes the requirement for law enforcement intervention for the failure to appear and pay a traffic ticket.
- Requires the Department of Licensing, in consultation with the Administrative Office of the Courts, to adopt and maintain rules that define a moving violation.

Bills tracked by CAPAA that did not pass:

- Two bills on facial recognition matching

## IN THE AREA OF THE BUDGET, WE TRACKED 24 BILLS

Bills tracked by CAPAA that passed and were delivered to the Governor:

### **ESB 6074: FUNDING CAPITAL PROJECTS**

- New supplemental capital budget appropriations of \$378.1 million are made for the 2011-13 biennium,
- including all appropriation increases and decreases. State agencies are authorized to enter into alternative
- financing contracts for projects totaling \$189.8 million.

### **ESB 5127: CONCERNING STATE GENERAL OBLIGATION BONDS AND RELATED ACCOUNTS**

- The capital budget appropriates \$510.4 million in state general obligation bonds to support projects in the 2011 Supplemental Capital Budget.
- The State Finance Committee is authorized to issue state general obligation bonds to finance \$500.5 million in projects in the 2011 Supplemental Capital Budget.

### **ESHB 2190: MAKING 2011-2013 SUPPLEMENTAL TRANSPORTATION APPROPRIATIONS**

*\*Signed by the Governor/partial veto*

- Adjusts appropriations for state transportation agencies and programs for the 2011-2013 fiscal biennium.

### **3ESHB 2127: MAKING 2011-2013 FISCAL BIENNIUM SUPPLEMENTAL OPERATING APPROPRIATIONS**

- Adopts the 2011-13 supplemental state operating budget.
- Additional detail can be found at [www.leap.leg.wa.gov](http://www.leap.leg.wa.gov).